

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SENIOR LIVING PROPERTIES, LLC

Plaintiff,

vs.

**IRONSHORE SPECIALTY,
INSURANCE COMPANY,**

Defendant,

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CIVIL ACTION NO. 6:20-cv-282

DEFENDANT’S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §1446(a), Ironshore Specialty Insurance Company (“Defendant”) files this Notice of Removal, hereby removing this action from the 220th Judicial District Court of Hamilton County, Texas to the United States District Court for the Western District of Texas, Waco Division. Removal is based on diversity jurisdiction because there is complete diversity of citizenship between Plaintiff Senior Living Properties (“Plaintiff”) and Defendant, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

**I.
INTRODUCTION**

This dispute arises out of an insurance claim filed by Plaintiff for alleged storm damage to property located at 910 F. Pierson St. Hamilton, Texas 76531. On March 4, 2020, Plaintiff filed its Original Petition (the “Petition”) against Defendant in the 220th Judicial District Court of Hamilton County, Texas. Defendant was served with a citation and a copy of the Petition on March 11, 2020 through its registered agent for service of process. Thus, this Notice of Removal is being filed within thirty (30) days of service of the Petition on Defendant and is timely filed under 28 U.S.C. §1446(b).

II.
BASIS FOR REMOVAL

A. THERE IS COMPLETE DIVERSITY OF CITIZENSHIP.

As shown below, removal is proper because there is complete diversity between the parties. *See* 28 U.S.C. § 1332(a).

1. Plaintiff's Citizenship.

For diversity jurisdiction purposes, a limited liability company's citizenship is determined by the citizenship of each of its members. *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008). In its Second Amended and Restated Articles of Organization filed with the Indiana Secretary of State on August 20, 2018, Plaintiff identified five members, whose citizenship is discussed below:

- 1) James Eden is an individual citizen of Wyoming.
- 2) Allison Eden is an individual citizen of Wyoming.
- 3) Lawrence Bonds is an individual citizen of Florida.
- 4) SLP Management, Inc. is a Delaware corporation with its principal place of business in the State of Texas.
- 5) SLP Management Holdings, LLC is a Delaware limited liability company. Upon information and belief, its members are citizens of New York, Delaware and Texas.

For diversity purposes, Plaintiff is a citizen of Wyoming, Florida, Delaware, Texas, and New York.

2. Defendant's Citizenship.

Defendant is a corporation organized under the laws of the State Arizona, with its principal place of business in the State of Massachusetts. For diversity purposes, Ironshore is a citizen of both Arizona and Massachusetts.

B. THE AMOUNT IN CONTROVERSY EXCEEDS \$75,000.00.

Generally, the amount in controversy for purposes of establishing federal jurisdiction should be determined by the plaintiff's complaint. *De Aguilar v. Boeing Co.*, 47 F.3d 1404, 1411-12 (5th Cir. 1995). Here, it is apparent from the face of the Petition that Plaintiff's claims exceed \$75,000.00 because Plaintiff specifically pleads that it seeks monetary relief in excess of \$200,000.00 but less than \$1,000,000.00. *See* Petition at ¶60. Thus, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

**III.
CONSENT TO REMOVAL**

Defendant is the only defendant named and served with Plaintiff's Petition. Thus, no additional consent is needed for removal.

**IV.
VENUE**

Venue for removal is proper in this district and division under 28 U.S.C. § 1441(a) because this district and division embrace the Texas State District Courts of Hamilton County, Texas, the forum in which the removed action was previously pending.

V.

COMPLIANCE WITH PROCEDURAL REQUIREMENTS

Filed concurrently with this Notice of Removal is a completed civil cover sheet, supplemental civil case cover sheet, and a signed Certificate of Interested Persons. Additionally, the following exhibits are attached:

- **Exhibit A:** Index of all documents filed in the state court action;
- **Exhibit B:** Hamilton County Event Listing Sheet, and;
- **Exhibits C-1 through C-2:** A copy of each pleading filed in the state court action.

Pursuant to Section 28 U.S.C. §1446(d), Defendant will provide written notice of the filing of this Notice of Removal to all adverse parties promptly after the filing of same and will file a true and correct copy of this Notice of Removal with the Court Clerk of the 220th Judicial District Court of Hamilton County, Texas, promptly after the filing of same.

V.

REQUEST FOR RELIEF

Based on the foregoing, Defendant Ironshore Specialty Insurance Company respectfully requests that the above-styled action now pending in the 220th Judicial District Court of Hamilton County, Texas be removed to the United States District Court for the Western District of Texas, Waco Division. Defendant further requests all such other and further relief to which they are justly entitled.

Respectfully submitted,

/s/ Colin Batchelor

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**ATTORNEYS FOR DEFENDANT
IRONSHORE SPECIALTY INSURANCE
COMPANY**

CERTIFICATE OF SERVICE

In accordance with the FEDERAL RULES OF CIVIL PROCEDURE, on April 9, 2020 a true and correct copy of the above and foregoing instrument was served *via facsimile or electronic service* upon:

ATTORNEYS FOR PLAINTIFF

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/s/ Colin Batchelor

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